

**Exhibit I 2**

1. What is being done to capture electronically stored information that is not emails, such as “databases” that track heat-related illnesses that were sent to “senior leadership” at least since 2010?
  - To date the following documents have been previously produced: (1) June 2012-September 2012 Heat Reports; and (2) May 2013-September 2013 Heat Reports.
  - Prior to 2012, reports of heat-related illness were reported by each TDCJ facility to the Health Services Liaison Office and/or Phyllis McWhorter.
  - UTMB has engaged King and Spaulding’s Discovery Center to assist with the processing, reviewing, de-duplicating, and production of any potentially responsive documents maintained in Electronic Medical Records database or “EMR.”
  - Other documents – Litigation Hold Notices and Litigation Questionnaires regarding Electronically Stored Information were sent to UTMB-CMC administration employees and unit employees. Based on these employees’ responses to the questionnaires, UTMB will initiate the process to collect, review, and produce potentially responsive documents.
2. What about memos, meeting minutes that were also electronically stored?
  - Litigation Hold Notices and Litigation Questionnaires regarding Electronically Stored Information were sent to UTMB-CMC administration employees and unit employees. Based on these employees’ responses to the questionnaires, UTMB will initiate the process to collect, review, and produce potentially responsive documents.
3. Who are the identified UTMB-CMC administration employees and unit employees?
  - Please see the list below. There are currently 139 UTMB-CMC administration employees and unit employees identified as individuals who may have relevant information in all six lawsuits. Of the 139 individuals listed, 41 individuals are no longer employed at UTMB. Pursuant to UTMB’s document retention policy, their email accounts were deleted 30 days after the termination of their employment. However, 32 of these 41 individuals left UTMB’s employment prior to the initiation of this pending litigation. Of the 9 remaining former employees, 4 of their emails accounts were searched by offender names and TDCJ numbers in October 2013. The remaining 5 former employees whose emails accounts no longer exist are the following:

- *McCollum*: Ian Smith was a UTMB-CMC Mental Health Manager, and, as a result, his ability to prescribe heat-restriction accommodations would have been limited to Mr. McCollum's mental health needs. Mr. McCollum was not on any psychotropic medications at the time of his death.
  - *Adams*: Nancy Betts was a LVN at the Beto Unit. Mr. Hudson was transferred from the Gurney Unit to the Beto Unit. Ms. Betts was ordered to start an IV for Mr. Hudson. In October 2013, Ms. Betts was contacted by UTMB's Department of Legal Affairs regarding her knowledge of information and in order to respond to interrogatories and request for production. In response, she did not have any information or documentation other than what was in Mr. Hudson's medical records.
  - *Togonidze*: Peggy McComas was a Licensed Vocation Nurse, who saw Mr. Togonidze in April 2011 regarding a non-heat issue. She had no other involvement with him.
  - *Webb*: Robert Lofton was a mid-level practitioner at the Skyview Facility. Mr. Lofton only treated Mr. Webb for Hepatitis C.
  - *Webb*: Yvonne Williams was a Nurse Clinician III at the Skyview Facility. She never saw Mr. Webb, but signed off on the record indicating Mr. Webb was found unresponsive and later pronounced deceased.
4. Will the search for "Larry McCollum," for example, include the string, "Larry Gene McCollum?"
- The search is based only on last names, which has created a significant volume of false-positive results. However, it will ensure that a search for "McCollum" will include "Larry McCollum" and "Larry Gene McCollum."
5. Will the search for "Kenneth James" include "Kenneth Wayne James?"
- The search is based only on last names, which has created a significant volume of false-positive results. However, it will ensure that a search for "James" will include "Kenneth James" and "Kenneth Wayne James."
6. Is a search by TDCJ numbers being conducted?
- UTMB is not currently searching by TDCJ numbers; instead, the search is currently limited to the search terms listed below in Question No. 9. However, UTMB will expand its search terms and include the following TDCJ numbers:

(1) 1722504; (2) 1721640; (3) 1569761; (4) 1578039; (5) 1395315; (6) 1726849; (7) 1797921; and (8) 1802681.

7. Does the search include everyone who we know of that died due to heat?

- UTMB's search does not include every offender who is believed to have died due to heat.

8. Is the search case sensitive?

- The search is not case sensitive.

9. Will the search for "heat illness" capture "heat-illness?"

- The search will capture the following terms: "Heat, heat stress, heat exhaustion, heat illness, heat-related illness, heat cramps, heat stroke, heat death, hyperthermia, hot temperatures, air conditioning, AC, heat restrictions, Larry McCollum, Douglas Hudson, Robert Webb, Alexander Togonidze, Michael Martone, Kenneth James, Rodney Adams, Albert Hinojosa." As a result, the search will capture "heat illness," "heat," and, by default, "heat-illness." UTMB agrees to add the additional search terms: "hypnotremia;" "misters;" "swamp cooler;" "psychotropic;" and "fan."

10. Will the search for "air conditioning" capture "Air-conditioning?"

- The search will capture the following terms: "Heat, heat stress, heat exhaustion, heat illness, heat-related illness, heat cramps, heat stroke, heat death, hyperthermia, hot temperatures, air conditioning, AC, heat restrictions, Larry McCollum, Douglas Hudson, Robert Webb, Alexander Togonidze, Michael Martone, Kenneth James, Rodney Adams, Albert Hinojosa." As a result, the search will capture "air conditioning" and "AC," but not "air-conditioning. For further clarification, the search string " AC " with preceding and following <space> characters is being used to eliminate possible hits within words (for example bACk).

11. Are there other places besides each individual's Exchange email account or pst files on the network or an individual's computer that may contain electronically stored information that is potentially relevant?

- If, in response to the Litigation Hold Notices and Litigation Questionnaires regarding Electronically Stored Information, UTMB-CMC administration employees and unit employees state that they have potentially relevant documents

on other UTMB network locations or on an individual's computer, UTMB will request copies of those documents and/or an additional search will occur.

12. Have these individuals been asked that question?

- Yes, they have been asked this question in the Litigation Hold Notices and Litigation Questionnaires regarding Electronically Stored Information.

13. Are the searches capturing all areas of email accounts, including sent and deleted messages?

- Yes.

14. If UTMB has reason to believe that at least some potentially discoverable information may have been deleted (either manually or purged consistent with routine document retention policies or otherwise), what steps is UTMB taking to ensure that those files are being produced, if that is even possible?

- If potentially discoverable information has been deleted, the information can be recovered only within a four-day period. Electronically stored information that has been deleted from a pst file that is located on a network drive can be recovered only within a 30-day period. Based upon the UTMB-CMC administration employees and unit employees' responses to the Litigation Hold Notices and Litigation Questionnaires regarding Electronically Stored Information, UTMB is taking the necessary steps to recover the electronically stored information to the extent possible.

15. What is the back-up tape architecture and are those back-up tapes being searched? If not, why?

- UTMB's back-up/disaster solution is Avatar, and it is archived to a data center in Arlington, Texas. Back-up is maintained for 30 days and can be retrieved only upon demand. UTMB is currently not retrieving archived files from its back-up/disaster solution based on current responses from employees.

16. What metadata are you capturing?

- Since UTMB will be following Judge Love's discovery orders as a guide, UTMB will not be producing any meta data.

17. Why is UTMB's estimate 90 days?

- UTMB has limited resources available to conduct this search. Currently, UTMB has one Senior Security Analyst overseeing the search for potentially relevant

documents, which is taking time to complete. Additionally, for documents that are located on local networks and/or on individual's computers, UTMB will have to send someone to the units to search and capture the documents for review and production. This process will also take time to complete.

18. What is the volume of documents to date?

- To date, approximately 50,000 potentially relevant documents (7.1 GB) based on the search terms listed above have been recovered. UTMB still has approximately 50 more UTMB-CMC administration employees and unit employees' electronically stored information to search. Thereafter, King and Spaulding's Discovery Center will need time to process, review, de-duplicate, and produce. We will have a better time frame once the search for documents is completed, and King and Spaulding's Discovery Center can assess the time to process, review, de-duplicate and produce.

### **UTMB-CMC Administration Employees and Unit Employees**

The following UTMB-CMC administration employees and unit employees have been identified as individuals who may have relevant information in all six lawsuits:

#### **UTMB-CMC Administration**

1. Dr. Owen Murray
2. Dr. Glenda Adams
3. Dr. Charles Adams
4. Gary Eubank
5. Justin Robison
6. Steve Smock
7. Anthony Williams
8. Stephanie Zepeda
9. Bill Toney
10. Joseph Penn
11. Beverly Echols
12. John Pulvino
13. Rebecca Rudd
14. Gizelle Jamison

#### **Region I Administration**

1. W. Earl Jarrett
2. Hilario "Larry" Saenz
3. Dr. Susan Morris
4. Joe Simental

**Region II Administration**

1. Robert Dalecki
2. Jerri D. Robison
3. Dr. Bobby Vincent
4. Beverly Sloan

**Region III Administration**

1. Jason Chavers
2. Paul Brown
3. Dr. Jane Moultrie
4. Tonya Campbell

**UNIT PERSONNEL**

*McCollum*

1. Ananda Babbili
2. Dr. Tito Orig
3. Pam Brady
4. Ian Smith
5. Laura Connell
6. Velva McKinney
7. Yonette Gilford

*Hinojosa*

1. Dr. Maximilano Herrera



2. Melissa Tamez
3. Sheri Noble
4. Lucinda Webb
5. Rudy Martisek

*Martone*

1. Peggy McCleskey
2. Patricia A. Rye
3. Barry Norwood
4. Dr. Abbas Khoshdel
5. Sandra Smock
6. Robert Barley
7. Sherry J. Haynes
8. Debra A. Cheesman
9. Mary Pipkin
10. Mark Varner
11. Hannah White
12. Sharon L. McKinney
13. Carolyn J. Hicks
14. Edna Paulman
15. D.A. Ruby
16. Sandra Cacciatore
17. Ernestine Julye
18. Jerrye Walker

19. Thomas Powell
20. Pamela Thornton
21. Charlene Jordan
22. John Wang
23. Romeo Yap

*Adams, James, Hudson*

1. Dr. Joe Oliver
2. Nancy Betts
3. James S. Fields
4. Danny Washington
5. Linda McKnight
6. Harold Clayton
7. Ruth Orloff
8. Tiffany L. Hanson
9. Stephen M. Hurt
10. Christine L. Martin
11. Kelly B. Maxwell
12. Debbie Rinehart
13. Stephen R. Smith
14. Kelli Taylor
15. Courtney Barriera
16. James E. Gooch
17. Judy Ulberg

*Togonidze*

1. Kathy Grey
2. Sherry Corson
3. Joan Bonner
4. Lori Fortner
5. Linda Johnson
6. Christi Shirah
7. Linda Smalley
8. Temika Sutton
9. Carol Barrett
10. Michelle Lastrapes
11. Lynda Batson
12. Linda Laningham
13. Leisa McFarland
14. Diane Wimberg
15. Karen Wilson
16. Abiodun Alade
17. Goldie Brooks
18. Retta Welch
19. Veronica Coble
20. Dale Kelley
21. Shirley Walker
22. Bulah Bradford

23. Shanecka Fulton
24. Jaqueline Naftzger
25. Charles McCombs
26. Gabriel Ezema
27. Jasey Cookston
28. Kimberly Sulser
29. Jennifer Wardell
30. Norina Dingas
31. Kirsty L. Foss
32. Carrie Hucklebridge
33. Kim Kannenberg
34. Peggy McComas
35. Melanie Pickle
36. Virginia Schafer
37. Edna Snelson
38. Gary Wright
39. Melvin Wright

*Webb*

1. Charlotte S. Adams
2. Bessie Carpenter
3. Joe D. Crawford
4. Melissa L. Crawford
5. Julius Danziger

6. Paul A. Germany
7. Yvonne Goff
8. Mattie L. Locke
9. Robert Lofton
10. Stanley Mitchell
11. Christina J. Moore
12. Judy F. Nichols
13. Joe H. Oliver
14. Katharyn L. Rockmore
15. Brenda L. Sadler
16. Monte K. Smith
17. Margarita Sotelo
18. Dixie L. Titus
19. Ryan M. White
20. Yvonne Williams
21. Gary G. Wright
22. Jaqueline Hammond